Status of Claims

1. Applicant has amended claims 1, 12, and 13. No claims have been added. Claim 3 had been canceled prior to the last office action. Thus, claims 1, 2, and 4 – 24 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments and amendments filed on **19 October 2009** with respect to have been fully considered.

3. Examiner acknowledges amendments to specification, defining FIFO and LIFO acronyms, to overcome objections [Remarks page 8]. Accordingly, Examiner withdraws objection.

4. Examiner acknowledges amendments to claims 1 and 12, now reciting "computer" in the claim limitations, to overcome 35 U.S.C. § 112, 2nd paragraph rejections [Remarks page 8] and, in turn, withdraws rejection.

5. Examiner acknowledges arguments regarding claims 1, 7, 8, 12, 13, 17, 18, and 22, to overcome 35 U.S.C. § 112, 2nd paragraph rejections [Remarks page 8 and 9] but arguments are not persuasive.

6. Regarding **claims 1, 7, 8, 12, 13, 17, 18, and 22**, "randomly allocating", "allocated randomly", "allocating randomly", and "random allocations" are vague and indefinite. The definition of random is "(adj.): lacking a definite plan, purpose or pattern" [**Merriam-Webster Collegiate Dictionary**, Tenth Edition, Merriam-Webster Incorporated, Springfield, Massachusetts, copyright 1997] and thus is indefinite. Hence, Examiner maintains rejections.

7. In **claims 1, 9, 12, 13, 19 and 22,** the ***if*** statement renders the limitation indefinite such that ***if*** the condition does not hold true, no limitation is claimed. Applicant needs to delineate in

the claim language what occurs ***if*** the short-term capital gain or loss, *does not fall* (emphasis added) within a threshold for short-term capital gains or losses the condition. Hence, Examiner maintains rejections.

8. Examiner acknowledges amendments to claims 1 and 12 to overcome 35 U.S.C. § 101 rejections of claims 1, 2, 4 – 12 and 23 [Remarks page 9] and, in turn, withdraws rejections.

9. Applicant's arguments filed with respect to claims 1, 2, and 4 – 24 regarding the 35 U.S.C. § 103(a) rejections have been fully considered but they are not persuasive.

10. Applicant argues **Schulz** does not teach *randomly* [sic] *allocating the at least one investment portfolio security to at least one of a plurality of tax lots associated with the at least one investment portfolio security to be sold* [Remarks page 10, 2nd full paragraph]. However, Examiner disagrees in as much as **Schulz** discloses "each of the securities in the investment portfolio are [sic] automatically evaluated for tax loss harvest purposes. For each tax lot, the difference between the present market value of the security and a past historical value of the security is calculated and compared to a **predetermined tax loss threshold**" [column 2 lines 45-49].

Wallman also discloses identifying tax lots and using random allocation of shares. Specifically:

> [0038] Under an embodiment of the present invention, the collective manager accesses the system to distribute a folio of securities held in the collective account. An exemplary embodiment of a screen from a graphical user interface is depicted in FIG. 2. Shown in FIG. 2 is a dispersing tool 20, which enables the manager to specify on a per asset basis, the percentage ownership of each asset held by the collective. Thus, a field is provided in which the manager can enter the user name 21, account number 22, asset identification 23 and percentage ownership 24. The manager can add additional owners by clicking on the "more members" button 26. The **manager can identify specific tax lots for each owner by clicking** on the "additional detail"

button 25. Once the fields 21-24 are complete, the system automatically calculates the amount of ownership and the number of shares. If necessary, fractional shares are created, or a **random allocation** or rounding algorithm could be used to provide for whole shares only.

11. Applicant argues **Schulz** does not teach computing an implied total short-term capital gain or loss that would result from the sale of the at least one investment security from the at least one tax lot [Remarks page 10, 2nd full paragraph]. However, Examiner respectfully disagrees.

Schulz clearly discloses "If the difference meets or exceeds the tax loss threshold, the security is automatically sold to provide tax losses for offsetting gains in the portfolio" and "The investment portfolio is also automatically periodically rebalanced based on a capitalization weight parameter and an index balance parameter" [lines 53-58]. Examiner notes that *a security being automatically sold to provide tax losses* is indicative of Applicant's *determining capital gain or loss that would result from the sale of the at least one investment security*. Examiner notes, too, that ***gains*** (as disclosed by **Schulz**) are inclusive of Applicant's *total short-term capital gain*.

12. Applicant argues **Wallman** does not teach *randomly allocating the at least one investment portfolio security to at least one of a plurality of tax lots associated with the at least one investment portfolio security to be sold, computing an implied total short-term capital gain or loss that would result from the sale of the at least one investment security from the at least one tax lot* [Remarks page 11, 1st full paragraph]. However, Examiner respectfully disagrees as discussed above.

13. Applicant argues **Schulz's** does not disclose *allocating the investment portfolio to at least one of a plurality of tax lots* [Remarks page 11, 2nd paragraph]. However, Examiner disagrees in that **Wallman** discloses such as discussed above. Also Applicant's argument that

claim 1 does not recite the investment as being allocated to "each owner" [Remarks page 11, 2nd paragraph] is merely a statement of intended use.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

(A) statements of intended use or field of use,

(B) "adapted to" or "adapted for" clauses,

(C) "wherein" clauses, or

(D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

14. Applicant argues **Arena** does not teach *randomly allocating investment portfolio securities to tax lots associated with the investment portfolio securities, or computing the implied total short-term capital gain or loss that would result from the sale of the investment portfolio securities* [Remarks page 12, 2nd full paragraph]. However, Examiner respectfully disagrees based on the above discussions regarding **Schulz** and **Wallman.**

15. Applicant argues **Arena** does not teach *rebalancing the investment portfolio if any of the short-term capital gain or loss falls within a threshold for short-term capital gains or losses* [Remarks page 12, 2nd full paragraph]. However, Examiner respectfully disagrees.

Clearly **Arena** discloses a system which "manages the ***rebalancing*** of assets to achieve the composite asset allocation model so that the rebalancing incurs the least transaction cost.

As discussed, transactions costs may be comprised of, for example, ***capital gains taxes*** (short and long term), tax penalties, income taxes, surrender charges, commissions, and transaction fees" [0076].

16. Applicant argues the patentability of independent claim 13, and dependent claims 2, 4, 5, 9-11, 14-15 and 19-21 are only based on arguments to claim 1 [Remarks page 13, 2nd full paragraph]. Accordingly, Examiner maintains rejections.

17. Applicant argues the patentability of **claims 6-8, 12, 16-18 and 22** are only based on arguments to claim 1 [Remarks page 13, 2nd full paragraph]. Accordingly, Examiner maintains rejections.

18. Applicant's attempt at traversing the **Official Notice** findings concerning the rejection of **claims 23 and 24** [Remarks page **14, 7th full** paragraph] is inadequate. Herein, Applicant is ***merely alleging*** that it would ***not*** have been obvious to one skilled in the art to use the operation of summing the short-term gain or losses of each of the at least one investment portfolio security to be sold in connection with a rebalancing of the investment portfolio. As per MPEP §2144.03 C:

> To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice *would be inadequate* (Examiner's emphasis added). If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the

substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2).

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.

Herein, the Examiner maintains that one having ordinary skill in the art at the time of **Schulz's** disclosure would use summing short-term gain or losses of each investment portfolio security to be sold in order to keep track of his overall portfolio's short-term gain or losses.

19. However, without conceding to Applicant's arguments regarding **Official Notice** used in the rejections of **claims 23 and 24** [Remarks page **14, 7th full** paragraph], Examiner cites **Karp et al** (US Patent No. 6,832,209) as disclosing the limitation:

- the short-term capital gain or losses which would result from the rebalancing of the investment portfolio is computed as a sum of the short-term gain or losses of each of the at least one investment portfolio security to be sold in connection with a rebalancing of the investment portfolio.

Karp disclose a method and apparatus for investing which capitalizes on the investment manager's skill for identifying short selling opportunities as well as opportunities of investing in long positions and handles the purchase and sale of the financial instruments in such a way as to defer the need for the investor to pay taxes on capital gains and to aggressively harvest the realization of capital losses to an investor's portfolio or other holdings [column 4 lines 29-39]. In

turn, he discloses *summing short term capital gains* realized from the sale of financial instruments [claim 1].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the instant invention to modify **Schulz's** disclosure to include *summing short term capital gains realized from the sale of financial instruments* as taught by **Karp** because it allows in-kind distributions of investments to investors withdrawing from such an investment entity [**Karp** claim 1].

Applicant Admitted Prior Art

20. Applicant has failed to traverse the Examiner's **Official Notice** given in the last Office Action regarding the well known nature of dependent **claims 23 and 24**. Hence, the limitation:

- the short-term capital gain or losses which would result from the rebalancing of the investment portfolio is computed as a sum of the short-term gain or losses of each of the at least one investment portfolio security to be sold in connection with a rebalancing of the investment portfolio.

is now taken to be **applicant's admitted prior art (AAPA)** as per MPEP 2104 C discussed above.

Claim Rejections - 35 USC § 112

21. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

22. Claims 1, 7 - 9, 12, 13, 17 - 19, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

23. Regarding **claims 1, 7, 8, 12, 13, 17, 18, and 22**, "randomly allocating", "allocated randomly", "allocating randomly", and "random allocations" are vague and indefinite.

For purposes of examination, the term "random" or "randomly" will be interpreted as not further limiting. Appropriate correction is required.

24. **Claims 1, 12, 13, and 22** recite the limitation:

- rebalancing the investment portfolio **if** the short-term capital gain or loss, which would result from the rebalancing of the investment portfolio, falls within a threshold for short-term capital gains or losses (claim 1, similarly worded in claims 12, 13, and 22)

This is a conditional limitation such that ***if*** the condition does not hold true, no limitation is claimed.

For the purposes of examination, the limitation will be interpreted as being not further limiting. Appropriate correction is required.

25. **Claims 9 and 19** recite the limitation:

- rebalancing the investment portfolio **if** a total short-term capital gain or loss for the year, which would result from the rebalancing of the investment portfolio, falls within a threshold for short-term capital gains or losses.

This is a conditional limitation such that ***if*** the condition does not hold true, no limitation is claimed.

For the purposes of examination, the limitation will be interpreted as being not further limiting. Appropriate correction is required.

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

27. Claims 1, 2, 4, 5, 9 – 11, 13 – 15, and 19 - 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Schulz et al** (US Patent No. 6,687,681) in view of **Wallman** (US Pub. No. 2003/0229561) in further view of **Arena et al** (US Pub. No. 2002/0174045).

28. Regarding **claims 1 and 13, Schulz** teaches:

- identifying at least one investment portfolio security to be sold in connection with a rebalancing of the investment portfolio; and
- rebalancing, using a computer, the investment portfolio *if a threshold is met involving capital gains or losses.*

Schulz discloses a method and apparatus for automatically managing investment portfolios to substantially track a selected index and to automatically harvest tax losses [Abstract]. **Schulz** discloses an accounting system for maintaining tax lot information for individual accounts, an optimization system for rebalancing each account to substantially model the index and for harvesting tax losses, and a trading system for executing trades [Abstract]. **Schulz** further discloses automatic evaluation of investment portfolio for tax loss harvest purposes; a predetermined tax loss threshold for each tax lot [column 2, lines 46-55]. If the difference meets or exceeds the tax loss threshold, the security is automatically sold to provide tax losses for offsetting gains in the portfolio. **Schulz** discloses rebalancing, tax loss harvesting, and trading functions being performed automatically by computerized systems [column 3 lines 13-37].

Schulz does not specifically disclose:

- randomly allocating, using the computer, the at least one investment portfolio security to at least one of a plurality of tax lots associated with the at least one investment portfolio security to be sold and computing an implied total short-term capital gain or loss that would result from the sale of the at least one investment security from the at least one tax lot.

However, **Wallman** teaches *an interface to an automated portfolio manager system that allows an existing collectively owned investment account to specify its existing assets and the percentage ownership in the account of each of the individual owners of the collective account* [0013]. He further discloses *distributing a folio [sic] of securities held in the collective account, identifying specific tax lots for each owner, and randomly allocating shares to each owner* [see at least 0038 and 0043]. **Wallman** applies his methods to investing over computer networks, and an apparatus for investing over a computer network [0004].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the instant invention to modify **Schulz's** disclosure to include *identifying specific tax lots and randomly allocating shares to each owner* as taught by **Wallman** because it allows proper tax reporting [**Wallman** 0046] and allows the portfolio to be divided into whole shares portions [**Wallman** 0038].

Neither **Schulz** nor **Wallman** explicitly discloses:

- rebalancing, using the computer, the investment portfolio if [sic] any of the short-term capital gain or loss, which would result from the rebalancing of the investment portfolio, falls within a threshold for short-term capital gains or losses.

However, **Arena** discloses a system, method, and computer program product for dynamic, cost effective reallocation of assets among a plurality of investment [Abstract,]. **Arena**

further discloses rebalancing so as to minimize transaction costs including capital gains taxes (short and long term), tax penalties, income taxes, surrender charges, commissions, and transaction fees [0076].

Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the instant invention to modify **Schulz's** disclosure *to account for short-term capital gains* as taught by **Arena** because it reduces costs incurred due to short-term capital gains [**Arena** 0076].

29. Regarding **claim 2**, **Schulz, Arena** and **Wallman** teach all the items of claim 1, the claim upon which this claim depends. **Arena** further teaches: wherein the at least one security to be sold is identified based on a difference between securities in the investment portfolio and a target portfolio.

Arena discloses asset allocation models with recommended allocation percentages between stock and bonds based on potential for capital growth and exposure to risk [0006]. **Arena** in turn discloses a system, method, and computer program product for rebalancing assets to achieve a composite asset allocation model, [0021]. Examiner interprets composite asset allocation model as an example of Applicant's target portfolio. Examiner notes that rebalancing assets in a portfolio includes buying and selling of securities accordingly.

Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the instant invention to modify **Schulz's** disclosure to include a composite asset allocation model as taught by **Arena** because such a model would help achieve desired asset allocation for a particular type of investor - aggressive, balanced or conservative - based on potential for capital growth and exposure to risk [**Arena** 0006, 0076].

30. Regarding **claims 4 and 14**, **Arena** teaches:

- comprising identifying a plurality of securities to be sold in connection with the rebalancing of the investment portfolio based on a difference between securities in the investment portfolio and a target portfolio.

as discussed in the rejection of claim 2. Accordingly, these claims are rejected for the same reasons as claim 2.

31. Regarding **claims 5 and 15**, **Arena** teaches:

- the plurality of securities to be sold are identified by allocating the securities to be sold to at least one tax lot associated with the securities to be sold and computing an implied total short-term capital gain or loss that would result from the sale of the plurality of securities from the at least one tax lot.

as **discussed** in the rejection of claim 2.

As discussed in the rejection of claims 1 and 13, the claims upon which these claims depend, **Arena** further discloses rebalancing so as to minimize transaction costs including those due to taxes on short and long term capital gains taxes [0076]. Examiner notes that while **Arena** does not specifically disclose computing short-term capital gains or losses, this computation is inherent in the system. Examiner asserts **Arena** would not be able to rebalance so as to minimize transaction costs without computing short-term capital gains or losses.

Accordingly, these claims are rejected for the same reasons as claims 4 and 14, the claims upon which these claims depend.

32. Regarding **claims 9 and 19**, **Schulz** teaches:

- rebalancing the investment portfolio if [sic] a total short-term capital gain or loss for the year, which would result from the rebalancing of the investment portfolio, falls with a threshold for short-term capital gains or losses.

Schulz discloses that periodically, preferably at a time exceeding the minimum interval required by internal revenue service wash sale rules, each of the securities in the investment portfolio are automatically evaluated for tax loss harvest purposes [column 2, lines 45-50].

Examiner notes that **"periodically"** includes the term **"for the year"** as claimed by the Applicant. This time frame is also a statement of intended use. As per MPEP 7.37.09: a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

These claims are substantially similar to claim 3 and therefore are rejected for the same reasons.

33. Regarding **claims 10, 11, 20 and 21**, the limitations:

- the threshold for short-term capital gains or losses is about 2% of the value of investment portfolio's assets (claims 10 and 11);
- the threshold for short-term capital gains or losses is defined by an investor (claims 20 and 21).

are statements of intended use as discussed in the rejection of claims 9 and 19. Therefore, these claims are rejected for the same reasons as claims 9 and 19.

34. Claims 6 – 8, 12, 16 – 18, and 22 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Schulz** in view of **Wallman** in further view of **Arena**, in further view of **Francis** ("Mutual-Fund Records Pay Off at Tax Time", Wall Street Journal. (Eastern edition), New York, N.Y., Nov 16, 2001. pg. C1).

35. Regarding **claims 6 and 16**, **Schulz, Wallman** and **Arena** teach all the items of claim 5, the claim upon which this claim depends. **Schulz, Wallman** and **Arena** do not teach:

- allocating the securities to be sold beginning with an earlier tax lot of a plurality of tax lots and proceeding to a later tax lot; or
- allocating the securities to be sold beginning with a tax lot of a plurality of tax lots having a higher cost basis and proceeding to a tax lot with a lower cost basis.

However, **Francis** teaches using first-in, first-out accounting, or FIFO, to figure the cost of shares sold in an investor's account [abstract, 1st paragraph]. **Francis** discloses that investors usually calculate their gains or losses using their average purchase cost for the fund they are selling [full text, 4th paragraph] but may also determine fund gains or losses using specific share identification, also called a "versus sale" or a "specified lot" sale, allowing investors to pick which lots of shares to sell [full text, 7th paragraph]. Examiner interprets a "specified lot" sale as allowing an investor to arbitrarily choose between tax lots as claimed by Applicant.

Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the **Schulz's** invention to allow investors to pick which lots of shares to sell as taught by **Francis** because doing so allows investors to choose which cost basis to use when determining taxes on capital gains [full text, 7th paragraph].

36. Regarding **claims 7 and 17**, **Francis** teaches:

- the plurality of securities to be sold is allocated randomly to a plurality of tax lots.

As discussed in the rejection of claims 6 and 16 above, **Francis** teaches that investors usually calculate their gains or losses using their average purchase cost for the fund they are selling [full text, 4th paragraph]. Examiner interprets average purchase cost for the fund they are selling as being allocated randomly to Applicant's tax lots in that the investor is not picking which lots of shares to sell either to avoid short-term capital gain or by way of FIFO.

Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the **Schulz's** invention to allow investors selling securities to randomly allocate securities to a plurality of tax lots as taught by **Francis**. By doing so, an investor/ taxpayer can avoid the nuisance of record keeping [full text, 8th paragraph], although it may not be the most cost effective technique when trying to avoid short term capital gains.

37. **Claims 8 and 18** are substantially similar to claims 6 and 16 respectively, and therefore are rejected for the same reasons.

38. **Claims 12 and 22** are substantially similar to claims 7 and 17 respectively, and therefore are rejected for the same reasons.

39. Claims 23 and 24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Schulz** in view of **Wallman** in further view of **Arena** in further view of **Official Notice**.

40. Regarding **claims 23 and 24**, neither **Schulz, Wallman** and **Arena** explicitly discloses:

- the short-term capital gain or losses which would result from the rebalancing of the investment portfolio is computed as a sum of the short-term gain or losses of each of the at least one investment portfolio security to be sold in connection with a rebalancing of the investment portfolio.

However, **Schulz** *does* disclose an *accounting system* which maintains account position data, historical transaction information, tax lots for individual securities, and past value pricing information for tax loss harvesting purposes [column 7 lines 1 – 18]. Examiner takes **Official Notice** that one having ordinary skill in the art at the time of **Schulz's** disclosure would use summing short-term gain or losses of each investment portfolio security to be sold. Doing so would allow an investor to keep track of his overall portfolio's short-term gain or losses.

Conclusion

The prior art of record and not relied upon is considered pertinent to Applicant's disclosure:

- **Merriam-Webster Collegiate Dictionary**, Tenth Edition, Merriam-Webster Incorporated, Springfield, Massachusetts, copyright 1997.
- **Karp et al**: "Method and apparatus for tax-efficient investment using both long and short positions", (US Patent No. 6,832,209).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Baird whose telephone number is (571)270-3330. The examiner can normally be reached on Monday - Thursday 7:30 am - 5:00 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ed Baird/
Examiner, Art Unit 3695

/Narayanswamy Subramanian/
Primary Examiner, Art Unit 3695